

Applicant : Christopher John Stevens  
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Attorney's Docket No.: 02894-615001 / 80048-  
PT18/ak-

Examiner further remarks that such an apparatus would not require the motor of Group I. The Examiner similarly contends, in paragraph 4 of the Office action, that the process of Group III can be practiced by another and materially different apparatus such as an undercutter assembly where the undercutters are moved by turning a manual crank mechanism, and that such an apparatus would not require the motor of Group II. Applicant submits, however, that it is the nature of method claims that they are written in active form (e.g., using verbs), rather than in the more structural form (e.g., using nouns) in which most product claims are written. Method claims, for example, are frequently directed to actions produced by certain products. It would be a rare case in which a method claim corresponding to a product claim includes each and every structural limitation of the product claim.

Applicant also notes that the European Patent Office, notorious for strictly enforcing unity issues, did not restrict the claims of Applicant's corresponding European patent application, and has since found Applicant's claims to be allowable. A copy of the granted corresponding European application (EP 1 398 122 B1) is enclosed with this response for the Examiner's reference.

In light of the discussion above, Applicant requests that the restriction requirement be withdrawn.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 18, 2005

  
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